

vide penalties for violation of this act."

Granted.

Senator Lewis called up

Senate bill No. 134, entitled "An act to provide for determining the rights of non-residents, persons unknown and transient persons to property in Texas," with House amendments thereto, and moved that the Senate concur in said amendments.

Carried

Senator Tips called up

Senate bill No. 22, a bill to be entitled "An act to authorize the penitentiary board to purchase agricultural lands for the purpose of utilizing convict labor on State farms, and to provide funds for that purpose," with House amendments thereto, and moved that the Senate concur in said amendments.

Concurred.

Senator Swayne called up

Senate bill No. 241, a bill to be entitled "An act to extend the time within which lands that have been sold for taxes and bought in by the State, cities and towns may be redeemed," with House amendments thereto, and moved that the Senate do not concur in said amendments, and asks for a free conference committee to consider same.

Carried.

Senator Crowley moved to adjourn to 10 a. m. Monday.

Senator Baldwin moved to adjourn to 3 p. m. to-day.

The vote recurring on the longest time, Senate adjourned to 10 a. m. Monday.

EIGHTY-THIRD DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 17, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—24.

Agnew,	Jester.
Atlee,	Lawhon,
Baldwin,	Lewis,
Boren,	McComb,
Bowser,	McKinney,
Cranford,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Smith,
Douglass,	Steele,

Goss,
Greer,
Hutchison,
Imboden,

Swayne,
Tips.
Yoakum.

ABSENT—1.

Woods.

EXCUSED—3.

Browning,
Kearby,

Whitaker.

Prayer by the chaplain, Dr. Briggs, as follows:

Our Father, accept our gratitude for the new day and prepare us for its duties. Regard all who gather in this place, especially those charged with its most solemn and responsible tasks. Make each member of this body a son of the light, a follower of the truth, a true, tender-hearted brother of his race; a worshiper in all his life with the voice of the Infinite One speaking in his heart, a splendid symmetry, a balance of the qualities that make the upright man, the patriotic citizen and the brave, wise leader of the people. Overrule all that we do to Thy honor, the good of the State and our personal well being. We ask for Thy name's sake. Amen.

Pending reading of the journal of yesterday,

On motion of Senator Agnew the reading of the same was suspended.

On motion of Senator Dickson, Calendar Clerk Childress, was excused for to-day on account of sickness.

On motion of Senator Agnew, Senator Woods was excused for to-day and to-morrow, on account of important business.

On motion of Senator Bowser, Assistant Doorkeeper Sapp was excused for non-attendance on last Saturday on account of sickness.

COMMITTEE REPORTS.

COMMITTEE ROOM,
AUSTIN, TEXAS, April 17, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

House bill No. 687, entitled "An act to amend an act entitled an act to reorganize the Fifteenth judicial district and the Fortieth judicial district and to amend chapter 67, section 15 of the General Laws of the State of Texas, approved April 6, 1883, redistricting the State for judicial purposes, and to amend section 2, chapter 58 of the General Laws of Texas, approved March 27, 1885, creating the Fortieth judicial district, and to amend section 1 of an act passed at the regular session of the Twenty-third Legis-

lature reorganizing the Fifteenth and Fortieth judicial districts, and fixing the time for holding the courts therein."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass.

PRESLER, Acting Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, April 17, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Judicial Districts to whom was referred

Senate bill No. 291, entitled "An act to amend an act entitled an act to fix the the times of holding the district court in the Twenty-seventh judicial district of the State of Texas, passed at the regular session of the Twenty-first Legislature, approved February 21, 1889, and to add one week to the term of district court of Mills county,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass.

PRESLER, Acting Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, April 15, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

Senate bill No. 157, entitled "An act to amend an act approved July 4, 1887, and the amendatory act thereto, approved March 31, 1891, and to change the times of holding the district courts in the Second, Ninth and Eleventh judicial districts of the State of Texas, and to take Montgomery county from the Eleventh and attach same to the Ninth, and to take Angelina county from the Ninth and attach same to the Second judicial district, and to fix the times of holding courts in said districts, and to provide for the return of all writs and process returnable to the district courts of said counties affected by this act that have heretofore been issued by said courts and that may hereafter be issued before this act takes effect, and made returnable to the terms of said courts as now fixed by law, and to make the same as valid and binding as if no change had been made, and to repeal all laws and parts of laws in conflict herewith," together with

House substitute amendment, entitled "An act to amend sections 9 and 11 of an act entitled an act to redistrict the State into judicial district and fix the times for holding court therein, and to provide for the election

of judges and district attorneys at the next general election to be held on the first Tuesday after the first Monday in November 1884, approved April 9, 1883, and the amendatory acts thereto, approved March 24, 1885, and March 31, 1885, and the further amendatory acts thereto, approved March 29, 1887, and also to amend an act entitled an act to prescribe the time of holding the terms of the district court in the Eleventh judicial district, approved March 19, 1889, and to change the times of holding the district courts in the Ninth judicial district, and to take Montgomery county from the Eleventh and attach the same to the Ninth judicial district, and to fix the times of holding courts in said districts, and to provide for the return of all writs and process returnable to the district courts of said counties affected by this act that have heretofore been issued by said courts, and that may hereafter be issued before this act takes effect, and made returnable to the terms of said courts as now fixed by law and to make the same as valid and binding as if no change had been made, and to repeal all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do* pass, as amended by said House substitute amendment.

PRESLER, Acting Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, April 17, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 230, being "An act authorizing the board of trustees of the public schools of the city of Austin to sell a block in the city of Austin known as the Academy block, and to devote proceeds of the sale for purchasing building sites and erecting buildings thereon for public school purposes,"

And find the same correctly engrossed.

PRESLER, Chairman.

COMMITTEE ROOM,

AUSTIN, TEXAS, April 17, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

House bill 657, entitled "An act to amend an act entitled an act to reorganize the Fifteenth judicial district

and the Fortieth judicial district, and to amend chapter 67, section 15 of the General Laws of the State of Texas approved April 9, 1883, redistricting the State for judicial purposes, and to amend section 2 of chapter 58 of the General Laws of Texas, approved March 27, 1885, creating the Fortieth judicial district, and to amend section 1 of an act passed at the regular session of the Twenty-third Legislature reorganizing the Fifteenth and Fortieth judicial districts and fixing the times for holding courts therein,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that Senate bills Nos. 108 and 111 as amended *do pass*.

PRESLER, Acting Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, April 17, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 211, being "An act to amend section 3 of an act to reorganize the Thirty-second and Thirty-ninth judicial districts and to create the Fiftieth judicial district of the State of Texas; to fix the times for holding courts therein; to provide for the appointment and election of a judge and a district attorney in the Fiftieth judicial district, and to repeal all laws in conflict herewith; presented to the Governor of Texas for his approval on the 13th day of March, A. D. 1891, and not signed by him nor returned to the House, in which it originated, with his objection thereto within the time prescribed by the Constitution, and which thereupon became a law without his signature,"

And find the same correctly enrolled, and have this day, at 11:35 a. m., presented the same to the Governor for his approval.

IMBODEN, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, April 17, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Towns and City Corporations, to whom was referred

House bill No. 360, being "An act to amend an act of the regular session of the Twenty-second Legislature, entitled an act to amend article 541a of the Revised Civil Statutes of the State of Texas, and to validate incorporations of towns and villages for free school purposes, heretofore made under certain conditions, approved April 10, 1891,"

Have had the same under consider-

ation, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

CROWLEY, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, April 17, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred

House bill No. 657, a bill to be entitled "An act to create a more efficient road system in the county of Guadalupe and auxiliary thereto; to provide for the appointment of road overseers; to define the powers and jurisdiction of the commissioners court with regard thereto; to utilize the labor of county convicts and defaulting poll taxpayers on the public roads of said county, and to provide adequate penalties for the violation of the provisions of this act,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it *do pass*.

BOWSER, Chairman.

BILLS AND RESOLUTIONS.

By Senator Cranford:

Resolved, That at 12 o'clock m. on this the 17th day of April, the Senate will resolve itself into a court of impeachment, at which time the following oath or affirmation shall be administered by the chief justice or some associate justice of the supreme court to the President of the Senate and by him to the members of the Senate, to-wit: "I do solemnly swear (or affirm as the case may be), that in all things appertaining to the trial of the impeachment of W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, I will do impartial justice according to the law, so help me God," which court of impeachment being thus formed will at the time aforesaid, receive the managers appointed by the House of Representatives to exhibit articles of impeachment in the name of themselves and all the people of the State of Texas against W. L. McGaughey, Commissioner of the General Land Office of the State of Texas.

2. The managers of the impeachment shall be introduced to the bar of the Senate, and shall signify that they are ready to exhibit articles of impeachment against said W. L. McGaughey; the President of the Senate shall announce that the Senate is now sitting as a court of impeachment, and all persons are commanded to keep silent while the proper authorities are exhibiting to this body articles of im-

peachment against said W. L. McGaughey, Commissioner, etc., after which the articles shall be exhibited, and the President of the Senate will take proper orders on the subject of impeachment, of which due notice shall be given to the House of Representatives.

Adopted.

By Senator Boren:

Concurrent resolution providing for the appointment of a board of visitors for the State university and its branches.

Read first time and referred to Committee on Education.

By Senator Agnew:

Concurrent resolution providing for rescinding the concurrent resolution setting apart two days of each week for the consideration by each House of bills from the other.

Read and laid on table subject to call.

Senator Dean moved that the Chair appoint a committee to request the chief justice of the supreme court to meet the Senate at 12 m. to-day, and administer the oath as provided in the resolution offered by Senator Cranford.

Carried.

The Chair appointed on said committee Senators Dean, Presler and Greer.

Call concluded.

On motion of Senator Agnew, pending business was suspended, and

House bill No. 687, being "An act to amend act entitled an act to reorganize the Fifteenth judicial district and Fortieth judicial district and to amend chapter 67, section 15 of the General Laws of the State of Texas, approved April 6, 1883, redistricting the State for judicial purposes, and to amend section 2, chapter 58 of the General Laws of Texas, approved March 27, 1885, creating the Fortieth judicial district, and to amend section 1 of an act passed at the regular session of the Twenty-third Legislature, reorganizing the Fifteenth and Fortieth judicial districts, and fixing the time for holding the courts therein," was taken up.

Bill read second time and passed to its third reading.

Senator Agnew moved to suspend the constitutional rule requiring bills to be read on three several days and that the bill be put upon its third reading and final passage.

Roll called.

No quorum, the following answering to their names:

YEAS—20.

Agnew,	Lawhon,
Atlee,	Lewis,
Baldwin,	McComb,
Bowser,	McKinney,
Crowley,	Shelburne,
Dickson,	Simpson,
Douglass,	Smith,
Hutchison,	Steele,
Imboden,	Tips,
Jester,	Yoakum.

NAYS—none.

ABSENT—7.

Boren,	Greer,
Cranford,	Presler,
Dean,	Swayne.
Goss,	

EXCUSED—4.

Browning,	Whitaker,
Kearby,	Woods.

Senator Imboden moved a call of the Senate, which was ordered, the following answering to their names:

PRESENT—22.

Agnew,	Jester,
Atlee,	Lawhon,
Baldwin,	Lewis,
Bowser,	McComb,
Cranford,	McKinney,
Crowley,	Shelburne,
Dickson,	Simpson,
Douglass,	Smith,
Goss,	Steele,
Hutchison,	Tips,
Imboden,	Yoakum.

ABSENT WITHOUT LEAVE—5.

Boren,	Presler,
Dean,	Swayne.
Greer,	

EXCUSED—4.

Browning,	Whitaker,
Kearby,	Woods.

There being a quorum, Senator Douglass moved to suspend the call of the Senate.

Suspended.

The motion to suspend the constitutional rule requiring bills to be read on three several days, etc., prevailed by the following vote:

YEAS—22.

Agnew,	Jester,
Atlee,	Lawhon,
Baldwin,	Lewis,
Boren,	McComb,
Bowser,	McKinney,
Cranford,	Shelburne,
Crowley,	Simpson,
Dickson,	Smith,
Douglass,	Steele,
Hutchison,	Tips,
Imboden,	Yoakum.

NAYS—none.

ABSENT—5.

Dean, Presler,
Goss, Swayne,
Greer,

EXCUSED—4.

Browning, Whitaker,
Kearby, Woods.

Bill read third time and passed by the following vote:

YEAS—26.

Agnew, Imboden,
Atlee, Jester,
Baldwin, Lawhon,
Boren, Lewis,
Bowser, McComb,
Cranford, McKinney,
Crowley, Presler,
Dean, Shelburne,
Dickson, Simpson,
Douglass, Smith,
Goss, Steele,
Greer, Tips,
Hutchison, Yoakum.

NAYS—none.

ABSENT—1.

Swayne.

EXCUSED—4.

Browning, Whitaker,
Kearby, Woods.

Senator Bowser moved to suspend pending business and take up

Senate concurrent resolution No. 18, requesting the Senators and Representatives of Texas in Congress to secure an appropriation to open the Trinity river for permanent navigation.

Carried.

Resolution read second time and adopted.

On motion of Senator Imboden, pending business was suspended and

House bill No. 577, a bill to be entitled "An act to prevent the catching or taking of fish, except with the ordinary hook, line and pole, or trot line, and to prevent the use of traps, nets, seines, chinaberries, indiaberries or other poisonous substances, or dynamite, giant powder, nitro-glycerine or other explosive compounds in any waters in Cherokee county, Texas, for the purpose of catching or taking of fish therefrom," taken up.

Bill read second time.

By Senator Boren:

Amend by striking out Gregg county wherever the same appears.

Adopted.

By Senator Simpson:

Amend by adding Colorado, Fayette and Lavaca after.

Adopted.

By Senator Jester:

Amend by adding Navarro county.

Adopted.

By Senator Tips:

Amend by adding Travis county in both the caption and body of the bill.

Adopted.

By Senator Shelburne:

Amend by adding Austin county in the caption and body of the bill.

Adopted.

Amend by adding Jefferson, San Augustine, Nacogdoches, Sabine, Jasper and Newton counties to the caption and body of the bill.

By Senator Bowser:

Amend the amendment by adding Dallas and Rockwall both in the caption and body of the bill.

Senator Greer accepted the amendment.

By Senator Smith:

Amend the amendment by inserting in caption and body of the bill Denton county.

Senator Greer accepted the amendment.

The amendment as amended was then adopted.

By Senator Imboden:

Amend the caption by inserting all counties named in the body of the bill.

Adopted.

By Senator McComb:

Amend the caption and body of the bill by inserting Montgomery county.

Adopted.

The bill was then passed to its third reading.

On motion of Senator Imboden, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

YEAS—25.

Agnew, Jester,
Atlee, Lawhon,
Baldwin, Lewis,
Boren, McComb,
Bowser, McKinney,
Cranford, Presler,
Crowley, Shelburne,
Dickson, Simpson,
Douglass, Smith,
Goss, Steele,
Greer, Tips,
Hutchison, Yoakum,
Imboden,

NAYS—none.

ABSENT—2.

Dean, Swayne.

EXCUSED—4.

Browning, Whitaker,
Kearby, Woods.

Bill read third time, and passed by the following vote:

YEAS—18.	
Agnew,	Goss,
Atlee,	Greer,
Baldwin,	Imboden,
Boren,	Jester,
Bowser,	McComb,
Cranford,	Presler,
Crowley,	Shelburne,
Dickson,	Smith,
Douglass,	Tips,

NAYS—6.	
Hutchison,	Simpson,
Lawhon,	Steele,
Lewis,	Yoakum.

ABSENT—3.	
Dean,	Swayne.
McKinney,	

EXCUSED—4.	
Browning,	Whitaker,
Kearby,	Woods.

On motion of Senator Tips, pending business was suspended and

House bill No. 529, "An act to authorize and provide for holding of special terms of the district courts in the Twenty-sixth judicial district," taken up.

Bill read second time with committee recommendation that the bill be considered in connection with substitute Senate bill No. 190.

Pending consideration of this bill Senator Lewis called up

Senate bill No. 206, entitled "An act to amend article 576, title 20, chapter 3, of the Revised Civil Statutes of the State of Texas," with House amendments thereto and moved that the Senate concur in said amendment.

Concurred.

Senator Tips stated that he considered the passage of a general bill on this subject doubtful and asked that this bill (House bill No. 529) be passed.

Bill passed to its third reading.

On motion of Senator Tips, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

YEAS—25.	
Agnew,	Jester,
Atlee,	Lawhon,
Baldwin,	Lewis,
Boren,	McComb,
Bowser,	McKinney,
Cranford,	Presler,
Dean,	Shelburne,
Dickson,	Simpson,
Douglass,	Smith,
Goss,	Steele,
Greer,	Tips,

Hutchison,	Yoakum.
Imboden,	

NAYS—None.

ABSENT—2.

Crowley,	Swayne.
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EXCUSED—4.

Browning,	Whitaker,
Kearby,	Woods.

Bill read third time and passed by the following vote:

YEAS—25.

Agnew,	Jester,
Atlee,	Lawhon,
Baldwin,	Lewis,
Boren,	McComb,
Bowser,	McKinney,
Cranford,	Presler,
Dean,	Shelburne,
Dickson,	Simpson,
Douglass,	Smith,
Goss,	Steele,
Greer,	Tips,
Hutchison,	Yoakum.
Imboden,	

NAYS—none.

ABSENT—2.

Crowley,	Swayne.
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EXCUSED—7.

Browning,	Whitaker,
Kearby,	Woods.

On motion of Senator McComb, pending business was suspended and Senate bill No. 157, "An act to reorganize the Second and Ninth judicial districts, and fix times for holding court therein," with amendments, (as amended by House substitute), was taken up.

Bill read second time and passed to its third reading.

On motion of Senator Imboden the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

YEAS—24.

Agnew,	Jester,
Atlee,	Lawhon,
Baldwin,	Lewis,
Boren,	McComb,
Bowser,	McKinney,
Cranford,	Presler,
Dean,	Shelburne,
Dickson,	Simpson,
Douglass,	Smith,
Greer,	Steele,
Hutchison,	Tips,
Imboden,	Yoakum.

NAYS—none.

ABSENT—3.

Crowley,	Swayne.
Goss,	

EXCUSED—4.

Browning, Whitaker,
Kearby, Woods.

Bill read third time and passed by the following vote:

YEAS—26.

Agnew, Jester,
Atlee, Lawhon,
Baldwin, Lewis,
Boren, McComb,
Bowser, McKinney,
Cranford, Presler,
Dean, Shelburne,
Dickson, Simpson,
Douglass, Smith,
Goss, Steele,
Greer, Swayne,
Hutchison, Tips,
Imboden, Yoakum.

NAYS—none.

ABSENT—1.

Crowley.

EXCUSED—4.

Browning, Whitaker,
Kearby, Woods.

Senator McComb moved to reconsider the vote by which the bill passed and to lay that motion on the table.

Tabled.

Senator Douglass asked the unanimous consent to take up Senate concurrent resolution No. 17.

Granted.

Resolution read second time.

Senator Steele made the point of order that the resolution was not in order.

Sustained.

The Chair gave notice of signing, and did sign the following:

Senate bill No. 211, entitled "An act to amend section 3 of an act to reorganize the Thirty-second and Thirty-ninth judicial districts, and to create the Fiftieth judicial district of the State of Texas, to fix the times for holding courts therein, to provide for the appointment and election of a judge and district attorney in the Fiftieth judicial district, and to repeal all laws in conflict therewith, presented to the Governor of Texas for his approval on March 13, 1891, and not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and which thereupon became a law without his approval."

House bill No. 590, "An act to authorize and empower the counties in this State to levy and collect a tax to pay for any lands which have, or may hereafter be deeded to the State of Texas for the use of public buildings."

Also, House bill No. 635, "An act to diminish the civil and criminal jurisdiction of the county court of Delta county, and to repeal all laws in conflict herewith," after the captions of same had been read.

By consent, Senator McComb offered the following:

Whereas, It appears from a communication published in the *Galveston-Dallas News* of yesterday that a knowledge of the place of concealment, near Harrisburg, on Buffalo Bayou, of the famous historic cannon, the "Twin Sisters," lingers in the memory of Dr. H. N. Graves of Georgetown, Texas; therefore

Resolved, That the President of the Senate be and he is hereby requested to appoint a committee to consist of three Senators to correspond with Dr. Graves and take such other steps as in their discretion may be proper and expedient, including a visit of discovery, if necessary, in an effort to reclaim said valuable relics of the revolution, long almost lost to the State, to the end that the same, if found, may be suitably remounted and placed in fitting position at the entrance of the Capitol.

By Senator Dickson:

Amend the resolution by adding that "an appropriation of \$250 be made to convey the cannon to the State capital in the event they be found."

By Senator Steele:

Substitute the amendment:

Amend by striking out the committee provided for and authorize the Superintendent of Agriculture, Statistics and History to carry out the object of the resolution.

Substitute adopted.

The amendment as substituted was adopted.

The resolution as amended was then adopted.

HOUSE MESSAGE.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, April 17, 1893.

Hon. M. M. Crane, President of the Senate:

SIR: I am directed by the House to inform the Senate of the passage by the House of the following bill, to-wit:

House bill No. 569, "An act to ascertain whether E. J. Ecker, P. W. Walker, W. W. Abney, J. B. Walker, J. G. Dodson and Steve Minton, or either of them, have a lien on certain lands owned by the State of Texas in Navarro county,"

And that the House concurs in Senate amendments to House bill No. 682.

Respectfully,

GEO. W. FINGER.

Chief Clerk House of Representatives.

On motion of Senator Yoakum, pending business was suspended and House bill No. 351, entitled "An act to create a more efficient road system for Collin, Williamson, Lamar and Bell counties, in the State of Texas, and making county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of deputy road commissioners, and defining the powers and duties of the commissioners court of said counties, and provide the manner of training hedges along any public road, and fixing a penalty for the violation of this act, and to repeal all laws in conflict with this act," taken up.

Bill read second time.

By Senator Yoakum:

Amend by inserting the word "Grayson" after the word "Collin" wherever it occurs in the caption and in the bill.

Adopted.

By Senator Tips:

Amend section 9 by striking out in line 4 the words "five feet" and insert "eight feet."

Adopted.

Bill passed to its third reading.

The Chair announced that the hour fixed by resolution for the Senate to resolve itself into a court of impeachment to try Hon. W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, had arrived.

Senator Cranford moved that the Senate do now resolve itself into a court of impeachment for the above named purpose.

Carried.

IN COURT.

Chief Justice of the Supreme Court John W. Stayton, accompanied by Associate Justice John L. Henry, appeared at the President's stand, and the chief justice administered to the President of the Senate the following oath:

"Do you solemnly swear that in all things appertaining to the trial of the impeachment of W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, you will do impartial justice according to the law, so help you God."

The President directed the Secretary to call the roll of the Senate, the following answering to their names:

PRESENT—26.

Agnew,
Atlee,

Jester,
Lawhon,

Baldwin,
Boren,
Bowser,
Cranford,
Crowley,
Dean,
Dickson,
Goss,
Greer,
Hutchison,
Imboden,

Lewis,
McComb,
McKinney,
Presler,
Shelburne,
Simpson,
Smith,
Steele,
Swayne,
Tips,
Yoakum.

ABSENT—1.

Douglass.

EXCUSED—4.

Browning,
Kearby,

Whitaker,
Woods.

The Senators standing en masse, each with his right hand uplifted, took the following oath:

"Do you, and each of you, solemnly swear, that in all things appertaining to the trial of the impeachment of W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, you will do impartial justice according to the law: So help you God."

The following was announced:

Mr. President: The board of managers appointed by the House of Representatives to conduct the prosecution in the impeachment cause of the House of Representatives and all the people of Texas vs. the Hon. W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, beg leave in the name of the House of Representatives to file the following articles of impeachment. Said articles having been approved by the House as shown by the endorsement of the Chief Clerk made thereon.

We request that the articles be filed and proper order taken thereon.

T. S. SMITH, Chairman,
T. S. HENDERSON,
E. H. ROGAN,
J. R. GOUGH,
E. W. FAGAN,
B. A. CALHOUN,
J. C. BEALL,
ROBT. H. ROGERS,
L. T. DASHIELL,
T. C. WYNN.

ARTICLES OF IMPEACHMENT.

Articles adopted and exhibited by the House of Representatives in the name of themselves and of all the people of the State of Texas against W. L. McGaughey, Commissioner of the General Land office of the State of Texas, in maintenance and support of

their impeachment against him for crimes and misdemeanors in office, and for the violations of the Constitution and laws of the State of Texas and of the duties of his office.

Article 1. That W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, unmindful of the duties of his office, and in violation of his oath of office, did, on the 14th day of October, A. D. 1892, in the county of Travis and State of Texas, as Commissioner of the General Land Office, unlawfully, knowingly, and in violation of the laws of the State, regulating the sale of public free school lands, offer for sale, and sell to persons who were not then and there actual settlers on such lands, the following described sections of the public free school lands of the State of Texas, situated in Harris county, to-wit:

Sections 16, 18, 20, 22, 24, 28, 30, 32, 34, 36, 46, 48, 50, 52, 54, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, and 88, in block No. —, of Houston and Texas Central railroad location, which said sections of public free school lands were not then and there under the law subject to sale to others than actual settlers, as said W. L. McGaughey, then and there well knew, but were reserved for sale to actual settlers only. And the said W. L. McGaughey was then and there as aforesaid, guilty of gross misconduct in office, and of a wilful and palpable violation of the laws of the State of Texas.

Article 2. That said W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, unmindful of the duties of his office, and in violation of his oath of office, on the 14th day of October, A. D. 1892, and on divers days thereafter, up to, and including the 16th day of December, A. D. 1892, in the county of Travis and State of Texas, as such Commissioner of the General Land Office, unlawfully and in violation of the Statutes of the State regulating the sale of the public free school lands of the State, did offer for sale as sections of public free school lands detached and isolated from other public lands, and did sell the same to other than actual settlers thereon, the following sections of the public free school lands of the State of Texas, situated in Harris county Texas, to-wit:

Sections 16, 18, 20, 22, 24, 28, 30, 32, 34, 36, 46, 48, 50, 52, 54, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86 and 88, in block No. 2, of the Houston and Texas Central Railroad surveys, which said

sections of land were not then and there isolated and detached from other public lands within the meaning of the law, and were not then and there subject to sale to other than actual settlers, but were reserved by law for sale to actual settlers only, all of which was then and there well known to said W. L. McGaughey, Commissioner, as aforesaid. And said W. L. McGaughey was then and there as aforesaid, guilty of misconduct in office, and of a gross violation of chapter 99, of the act of the Twentieth Legislature of the State of Texas, as amended by chapter 56, of the acts of the Twenty-first Legislature of the State of Texas, relating to the lease and sale of the public free school lands of the State.

Article 3. That W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, unmindful of the duties of his office, and in violation of his oath of office did, on the dates hereinafter mentioned, in the county of Travis, State of Texas, as such Commissioner of the General Land Office, unlawfully, and in violation of the laws of the State regulating the sales of the public free school lands of the State, wilfully and knowingly offer for sale, and sell to persons who were not then and there actual settlers on such lands, certain sections of public free school lands situated in Harris county, Texas, which were not then and there under the law subject to sale to others than actual settlers, but were reserved for sale to actual settlers only, all of which was then and there well known to said W. L. McGaughey, Commissioner of the General Land Office as aforesaid. Said several sections so offered for sale and sold, and the dates of sale, and the names of the purchasers of the respective sections are as follows, to-wit:

Certain sections in block No. 2 of the surveys in the name of the Houston and Texas Central Railway Company, to-wit:

No. of section.	Name of purchaser.	Date of sale.
16	C. D. Dillon,	Oct. 14, 1892
20	F. M. Beatty,	Dec. 16, 1892
22	F. M. Beatty,	Dec. 16, 1892
24	C. D. Dillon,	Oct. 14, 1892
28	F. M. Beatty,	Dec. 16, 1892
30	E. R. McLean,	Dec. 16, 1892
32	W. Thompson,	Dec. 16, 1892
34	C. D. Dillon,	Oct. 14, 1892
36	F. P. McLaughlin,	Dec. 16, 1892
46	F. P. McLaughlin,	Dec. 16, 1892
48	E. R. McLean,	Dec. 16, 1892
50	F. M. Beatty,	Dec. 16, 1892

52	W. Thompson,	Dec. 16, 1892	64	I. C. Stafford,	Oct. 23, 1892
54	W. Thompson,	Dec. 16, 1892	82	P. M. Cuney,	Oct. 23, 1892
58	W. Thompson,	Dec. 16, 1892	66	David Boaz,	Dec. 14, 1892
60	F.P. McLaughlin,	Dec. 16, 1892	80	David Boaz,	Dec. 14, 1892
62	S. D. DeCordova,	Dec. 16, 1892	20	F. M. Beatty,	Dec. 16, 1892
64	I. C. Stafford,	Dec. 16, 1892	22	F. M. Beatty,	Dec. 16, 1892
66	David Boaz,	Dec. 14, 1892	28	F. M. Beatty,	Dec. 16, 1892
68	E. R. McLean,	Dec. 16, 1892	50	F. M. Beatty,	Dec. 16, 1892
70	T. F. Taylor,	Dec. 16, 1892	30	E. R. McLean,	Dec. 16, 1892
72	T. F. Taylor,	Dec. 16, 1892	48	E. R. McLean,	Dec. 16, 1892
74	T. F. Taylor,	Dec. 16, 1892	68	E. R. McLean,	Dec. 16, 1892
76	T. F. Taylor,	Dec. 16, 1892	32	W. Thompson,	Dec. 16, 1892
78	S. D. DeCordova,	Dec. 16, 1892	52	W. Thompson,	Dec. 16, 1892
80	David Boaz,	Dec. 14, 1892	54	W. Thompson,	Dec. 16, 1892
82	P. M. Cuney,	Oct. 23, 1892	58	W. Thompson,	Dec. 16, 1892
84	C. D. Dillon,	Oct. 14, 1892	36	F.P. McLaughlin,	Dec. 16, 1892
86	S. D. DeCordova,	Dec. 16, 1892	46	F.P. McLaughlin,	Dec. 16, 1892
88	S. D. DeCordova,	Dec. 16, 1892	60	F.P. McLaughlin,	Dec. 16, 1892

And said purchasers aforesaid were not then and there actual settlers on said sections sold to them respectively, as said W. L. McGaughey then and there well knew.

Art. 4. That said W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, unmindful of the duties of his office, and in violation of his oath of office, did, on the several dates hereinafter mentioned, in the county of Travis, in the State of Texas, as such Commissioner of the General Land Office, unlawfully, knowingly, and in violation of the laws of the State regulating the sale of the public free school lands of the State, erroneously offer for sale as sections of public free school lands isolated and detached from other public lands, and did sell the same to others than actual settlers thereon, certain sections of public school lands situated in Harris county, Texas, which were not then and there under the law isolated and detached from other public lands, and were not subject to sale to others than actual settlers, but were then and there reserved by law for sale to actual settlers only, all of which was then and there well known to said W. L. McGaughey, Commissioner of the General Land Office as aforesaid. Said several sections of land so offered for sale and sold as aforesaid, and the dates of sale and the names of the purchasers of the respective sections are as follows, to-wit., said sections all being in block No. 2 of the Houston and Texas Central railway surveys, and are as follows:

No. of Section.	Name of Purchaser.	Date of Sale.
16	C. D. Dillon,	Oct. 14, 1892
24	C. D. Dillon,	Oct. 14, 1892
34	C. D. Dillon,	Oct. 14, 1892
84	C. D. Dillon,	Oct. 14, 1892
18	J. I. Dillon,	Oct. 14, 1892

And the said W. L. McGaughey in manner and form aforesaid was then and there guilty of a gross violation of the duties of his office and of the laws of the State, and especially of chapter 99 of the Acts of the Twentieth Legislature of the State of Texas, as amended by chapter 56 of the acts of the Twenty-first Legislature.

Art. 5. That W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, unmindful of the duties of his office, and in violation of his oath of office, did, on the 14th day of October, A. D. 1892, and on divers dates thereafter, up to and including the 16th day of December, A. D. 1892, in the county of Travis, in the State of Texas, as Commissioner of the General Land Office, unlawfully, knowingly and by gross negligence, offer for sale, and sell at the price of \$2 per acre, said sections of public free school lands situated in Harris county, and described in articles 1 to 4 inclusive of this exhibit, which descriptions are here referred to and made a part hereof, which said price was greatly below the real worth of said lands, the said sections each being then and there worth the sum of \$5 per acre, as said W. L. McGaughey then and there well knew.

Art. 6. That W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, unmindful of the duties of his office, and in violation of his oath of office, did, on the 14th day of October, A. D. 1892, and up to and including the 16th day

of December, 1892, unlawfully, knowingly offer for sale and sell, as sections isolated and detached from other public lands, the following sections of public free school lands situated in Harris county, Texas, to-wit: Sections 16, 18, 22, 24, 28, 30, 32, 34, 36, 46, 48, 50, 52, 54, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86 and 88, in block No. 2 of the Houston and Texas Central railway survey, without first giving to the county clerk of said county notice in writing of the valuation fixed upon each section of said land, all of which was then and there in violation of the duties of his office, and of the laws of the State, and especially of the provisions of chapter 99, of the acts of the Twentieth Legislature of the State of Texas regulating the sale of the public free school lands.

Art. 7. That W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, unmindful of the high duties of his office, and in violation of his oath of office, in the county of Travis, State of Texas, on the 16th day of December, A. D. 1892, did unlawfully and corruptly collude with David Boaz, E. R. McLean, F. M. Beatty, S. D. DeCordova, T. F. Taylor and others for the unlawful purpose of enabling and permitting the persons aforesaid to purchase the said sections of public free school lands in Harris county, described in the foregoing articles of this exhibit, to which reference for description is here made in violation of the spirit and the intent of the law, and at greatly less than their value, and to give them an unfair advantage over the other citizens of the State and especially over citizens residing in the vicinity of said lands, and did then and there, in furtherance of said unlawful purpose aforesaid, price said lands to each person as detached and isolated from other public lands, when in truth and in fact the same were not so detached and isolated, as said W. L. McGaughey then and there well knew, and did then and there, without first giving the notice to the county clerk of Harris county, as required by law, value said land at the price of \$2 per acre, and did then and there offer the same for sale to said persons aforesaid, and did then and there immediately sell the same to said persons aforesaid at said price, when in truth and in fact same were worth the sum of \$5 per acre per section, when in truth and in fact other parties, and especially persons residing in the same vicinity of said lands, who desired an opportunity to purchase the same

when the same should be offered for sale, were deprived of any opportunity to apply for the purchase thereof, as said W. L. McGaughey then and there well knew.

Art. 8. That W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, unmindful of the duties of his office and in violation of his oath of office, did, on the 14th day of October, A. D. 1892, and up to, and including the 16th day of December, 1892, in the county of Travis, State of Texas, wilfully, illegally and obstinately fail and refuse to call upon the Attorney General for advice upon the question as to whether or not the sections of public free school lands situated in Harris county, and described in the foregoing articles of this exhibit, to which reference is here made, were detached and isolated from other public lands within the meaning of the law regulating the sale of school lands, and on the question as to whether or not said sections of land aforesaid were under the laws aforesaid subject to sale to others than actual settlers.

That said questions, and each of them, then and there involved the construction to be given to article 22, of chapter 99, of the acts of the Twentieth Legislature, as amended by chapter 56 of the acts of the Thirty-first Legislature of the State of Texas, and the meaning of said section and of said entire act as amended as aforesaid, being then and there a matter of doubt in the mind of said W. L. McGaughey as such Commissioner aforesaid with respect to the subjects mentioned in said questions and in each of them, and it being then and there the duty of said W. L. McGaughey, under the law, and especially under the act aforesaid to call upon the Attorney General for his advice with respect to the meaning of said section aforesaid, and of said act, and the said W. L. McGaughey did, as aforesaid, wilfully, illegally, negligently and obstinately refuse to call upon the said Attorney General for his advice as aforesaid, and did, then and there ignorantly and wilfully grossly misconstrue said section of said act in this, that he did then and there construe said sections of public free school lands to be detached and isolated from other public lands under said section, and in this, that he did then and there construe that said sections of land were under said sections of said act subject to sale to others than actual settlers, when in truth and in fact said sections of land were not

isolated and detached from other public lands within the meaning of said law, and when in truth and in fact said lands were not subject under the law to sale to others than actual settlers, all of which said W. L. McGaughey might then and there have known had he so called upon the said Attorney General for his advice as aforesaid, as he was bound to do under said law, and by reason of said omission to perform his duty as aforesaid, said lands were sold in violation of the law by said W. L. McGaughey as charged in the foregoing articles of this exhibit, to which reference is here made. And so the said W. L. McGaughey was then and there guilty of misfeasance in office in failing to perform his duty as required in said law as aforesaid.

Art. 9. That W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, unmindful of the duties of his office, and in violation of his oath of office, did, on the 9th day of January, 1893, up to and including the 23d day of January, 1893, in the county of Travis in the State of Texas, as Commissioner of the General Land Office, unlawfully, knowingly, and in violation of the laws of the State regarding the sale of the public free school lands, offer for sale and sell to persons who were not then and there actual settlers on such land, the following described sections of public free school lands of the State of Texas situated in Liberty county, to-wit:

Sections 4, 6, 8, 10, 12, 14, 16, 18, 20 and 24, in the block of lands surveyed for the public free school fund in the name of the Houston and Texas Central Railway Company, and sections 16, 30, 32, 34 and 36 in the block of lands surveyed in the name of the Texas and New Orleans Railway Company, and a tract surveyed for the public free school fund in the name of Thomas K. Wheeler, which said sections of public free school lands were not then and there under the law subject to sale to others than actual settlers, as W. L. McGaughey then and there well knew, but were reserved for sale to actual settlers only. And the said W. L. McGaughey was then and there as aforesaid guilty of misconduct in office and of a willful and palpable violation of the laws of the State of Texas.

Art. 10. That said W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, unmindful of the duties of his office, and in violation of his oath of office,

did on the 9th day of January, 1893, up to and including the 23d day of January 1893, in the county of Travis and State of Texas, as such Commissioner of the General Land Office, unlawfully and in violation of the Statutes of the State regulating the free school lands of the State, did offer for sale as sections of the public free school lands, detached and isolated from other public lands, and did sell the same to others than actual settlers thereon, the following sections of public free school lands situated in Liberty county, Texas, to-wit:

Sections 4, 6, 8, 10, 12, 14, 16, 18, 20 and 24, in the block of land surveyed for the public free school fund in the name of the Houston and Texas Central Railway Company, sections 16, 30, 32, 34 and 36, in the block of land surveyed in the name of the Texas and New Orleans Railway Company, and a tract surveyed for the public free school fund in the name of Thos. K. Wheeler, which said lands were not then and there isolated from other public lands within the meaning of the law, and were not then and there subject to sale to others than actual settlers, but were reserved by law for sale to actual settlers only, all of which was then and there well known to W. L. McGaughey, said Land Commissioner, as aforesaid; and said W. L. McGaughey was then and there as aforesaid, guilty of misconduct in his office and of a gross violation of chapter 99 of the act of the Twentieth Legislature of the State of Texas, as amended by chapter 56 by the acts of the Twenty-first Legislature of the State of Texas, relating to the lease and sale of the public free school lands of the State.

Art. 11. That W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, unmindful of the duties of his office, and in violation of his oath of office, did on the dates hereinafter mentioned, in the county of Travis, State of Texas, as such Commissioner of the General Land Office, unlawfully and in violation of the laws of the State regulating the sale of the public free school lands of the State of Texas, wilfully and knowingly offer for sale, and sold to persons who were not then and there actual settlers on such lands, certain sections of public free school lands situated in Liberty county, Texas, which were not then and there under the law subject to sale to others than actual settlers, but were reserved for sale to actual settlers only, all of which was then and there known to said W.

L. McGaughey, Commissioner of the General Land Office, as aforesaid, said certain sections so offered for sale and sold, and the dates of the sale and the names of the purchasers of the respective sections are as follows, to-wit. Certain sections in the block of surveys in the name of the Houston and Texas Central Railway company, to-wit:

No. of Section.	Name of Purchaser.	Date of Sale.
16	D. Boaz	Jan. 20, 1893
4	E. Friedenhouse,	Jan. 23, 1893
8	E. Friedenhouse,	Jan. 23, 1893
10	E. Friedenhouse,	Jan. 23, 1893
14	E. Friedenhouse,	Jan. 23, 1893
6	D. Adriance,	Jan. 30, 1893
E. 1/2 12	W. F. Simmons,	Jan. 19, 1893
W. 1/2 12	F. M. Carrol,	Jan. 23, 1893
24	F. M. Carrol,	Jan. 23, 1893
18	J. H. Collett,	Jan. 26, 1893
20	J. H. Collett,	Jan. 26, 1893

And certain surveys in block of lands surveyed in the name of the Texas and New Orleans Railway Company for said free school fund, to-wit:

No. of section.	Name of purchaser.	Date of sale.
16	A. Schwartz,	Jan. 11, 1893
30	A. Schwartz,	Jan. 11, 1893
32	P. J. Lawless,	Jan. 16, 1893
34	P. J. Lawless,	Jan. 16, 1893
36	J. H. Carter,	Jan. 18, 1893

And a survey in the name of Thomas K. Wheeler, and a survey in the name of T. P. Drake, and a survey in the name of D. E. Neville, sold to Henry P. Haldeman on January 9, 1893.

And said purchasers were not then and there actual settlers on said sections sold to them respectively as said W. L. McGaughey then and there well knew.

Art. 12. That said W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, unmindful of the duties of his office, and in violation of his oath of office, did on the several dates hereinafter mentioned, in the county of Travis, and in the State of Texas, as such Commissioner of the General Land Office, unlawfully, knowingly and in violation of the laws of the State regulating the sale of the public free school lands of the State, erroneously offer for sale as sections of public free school land isolated and detached from other public lands, and did sell the same to others than actual settlers thereon, certain sections of public free school land situated in Liberty county, Texas, which were not then and there under the law isolated and detached from other public lands, and were not subject to sale to others than actual

settlers, but were then and there reserved by law for sale to actual settlers only, all of which was then and there well known to said W. L. McGaughey, Commissioner of the General Land Office as aforesaid.

Said several sections of land so offered for sale and sold as aforesaid, and the dates of the sales and the names of the purchasers of the several sections are as follows, to-wit:

Certain sections in the block of surveys in the name of the Houston and Texas Central Railway Company, to-wit:

No. of Section.	Name of Purchaser.	Date of Sale.
16	D. Boaz,	Jan. 20, 1893
4	E. Friedenhouse,	Jan. 23, 1893
8	E. Friedenhouse,	Jan. 23, 1893
10	E. Friedenhouse,	Jan. 23, 1893
14	E. Friedenhouse,	Jan. 23, 1893
6	D. Adriance,	Jan. 30, 1893
E. 1/2 12	W. F. Simmons,	Jan. 19, 1893
W. 1/2 12	F. M. Carrol,	Jan. 23, 1893
24	F. M. Carrol,	Jan. 23, 1893
18	J. H. Collett,	Jan. 26, 1893
20	J. H. Collett,	Jan. 26, 1893

And certain surveys in blocks of land surveyed in the name of the Texas and New Orleans Railway Company for said free school fund, to-wit:

No. of Section.	Name of Purchaser.	Date of Sale.
16	A. Schwartz,	Jan. 11, 1893
30	A. Schwartz,	Jan. 11, 1893
32	P. J. Lawless,	Jan. 16, 1893
34	P. J. Lawless,	Jan. 16, 1893
36	J. H. Carter,	Jan. 18, 1893

And a survey in the name of Thomas K. Wheeler, and a survey in the name of T. P. Drake, and a survey in the name of D. E. Neville, sold to Henry P. Haldeman on the 9th day of January, 1893.

And said purchasers were not then and there actual settlers on said sections sold to them respectively, as said W. L. McGaughey then there well knew.

Art. 13. That W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, unmindful of the duties of his office, and in violation of his oath of office, did on the 9th day of January, 1893, and up to and including the 23rd day of January, 1893, in the county of Travis and State of Texas, as Commissioner of the General Land Office, unlawfully and knowingly and by gross negligence offer for sale and sell at the price of \$2 per acre said sections of public free school lands situated in Liberty county and described in articles 9 to 12 inclusive, which descriptions are here referred

to and made a part hereof, which said price was greatly below the worth of said lands, the said sections each being then and there worth the sum of \$5 per acre, as said W. L. McGaughey then and there well knew.

Art. 14. That said W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, unmindful of the duties of his office, and in violation of his oath of office, did on the 9th day of January, 1893, and up to and including the 23rd day of January, 1893, unlawfully and knowingly offer for sale and sell as sections isolated and detached from other public lands, the following sections of public free school lands situated in Liberty county, Texas, to-wit:

Sections 4, 6, 8, 10, 12, 14, 16, 18, 20 and 24, in the block of lands surveyed for the public free school fund in the name of the Houston and Texas Central Railway company, and sections 16, 30, 32, 34 and 36, in the blocks of land surveyed in the name of the Texas and New Orleans Railway company, and a tract surveyed for the public free school fund in the name of Thos. K. Wheeler, which said sections of the public free school lands were not then and there under the law subject to sale to others than actual settlers, as W. L. McGaughey then and there well knew, but were reserved for sale to actual settlers only. And the said W. L. McGaughey was then and there as aforesaid, guilty of misconduct in office, and of a wilful and palpable violation of the laws of the State of Texas.

Art. 15. That W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, unmindful of the high duties of his office, and in violation of his oath of office, in the county of Travis, State of Texas, did, on the 9th day of January, 1893, unlawfully and corruptly collude with David Boaz, E. Friedenhouse and others for the unlawful purpose of enabling and permitting said persons aforesaid to purchase the said sections of public free school lands in Liberty county, described in the foregoing articles in this exhibit, to which reference for description is here made, in violation of the spirit and the intent of the law, at greatly less than their value, and to give them unfair advantage over the citizens of the State, and especially over the citizens residing in the vicinity of said lands, and did then and there in furtherance of said unlawful purpose aforesaid, price said lands to said persons as detached and isolated from other public lands, when in

truth and in fact the same were not so detached and isolated, as said W. L. McGaughey then and there well knew, and did then and there without first giving the notice to the county clerk of Liberty county, as required by law, price said lands at the price of \$2 per acre, and did then and there offer the same for sale to said persons aforesaid, and did then and there immediately sell the same to said persons aforesaid at said price, when in truth and in fact, same were worth the sum of \$5 per acre per section, and when in truth and in fact other parties, and especially persons residing in the vicinity of said lands who desired an opportunity to purchase the same when the same should be offered for sale, were deprived of any opportunity to apply for the purchase thereof, as said W. L. McGaughey then and there well knew.

Art. 16. That W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, unmindful of the duties of his office, and in violation of his oath of office, did on the 9th day of January, 1893, up to and including the 23d day of January, 1893, in the county of Travis, wilfully, illegally and obstinately fail and refuse to call upon the Attorney General for advice upon the question as to whether or not the sections of public free school lands situated in Liberty county and described in the foregoing articles of this exhibit, to which reference is here made, were detached and isolated from other public lands within the meaning of the law regulating the sale of school lands, and upon the question as to whether or not said sections of land aforesaid were, under the law as aforesaid, subject to sale to other than actual settlers; that said questions, and each of them, then and there involving the construction to be given to section 22 of chapter 99 of the acts of the Twentieth Legislature, as amended by chapter 56 of the acts of the Twenty-first Legislature of the State of Texas, and the meaning of said section and of said entire act as amended as aforesaid being then and there a matter of doubt in the mind of W. L. McGaughey, as such Commissioner aforesaid, with respect to the subjects mentioned in said questions and in each of them, and it being then and there the duty of said W. L. McGaughey under the law, and especially under the act aforesaid, to call upon the Attorney General for his advice in respect to the meaning of said section as aforesaid, and of said

act, and the said W. L. McGaughey did, as aforesaid, willfully, illegally, negligently and obstinately refuse to call upon said Attorney-General for his advice as aforesaid, and did then and there, ignorantly and willfully grossly misconstrue said section of said act in this, that he did then and there construe said section of public free school lands to be detached and isolated from other public lands under said section; and in this, that he did then and there construe that said sections of land were, under said section of said act, subject to sale to others than actual settlers, when in truth and in fact said sections were not isolated and detached from other public lands within the meaning of said law, and when, in truth and in fact, said lands were not subject under the law to sale to others than actual settlers, all of which said W. L. McGaughey then and there might have known had he so called upon said Attorney-General for his advice, as aforesaid, as he was bound to do under said law, and by reason of said omissions to perform his duty as aforesaid, said lands were sold in violation of the law by said W. L. McGaughey, as charged in the foregoing articles of this exhibit, to which reference is here made. And so the said W. L. McGaughey was then and there guilty of misfeasance in office in failing to perform his duty as required in said law as aforesaid.

Art. 17. That W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, being then and there charged by law with the custody and control of the General Land Office and the books, papers and archives thereof, did then and there, on the 1st day of January, A. D. 1892, and continuously thereafter up to this time, in violation of the duties of his office and the laws of the State regulating the examination of papers and files of said office, in the county of Travis, State of Texas, knowingly, wilfully and negligently permit any and all persons not employed in said office desiring so to do to examine the papers and files and archives of said General Land Office, without first having obtained his written consent, or the written consent of the chief clerk of said office so to do, and without first having obtained an order for the detail of a clerk of said office to be present and superintend such examination, and in the manner and form as aforesaid the said W. L. McGaughey as such Commissioner as aforesaid, did then and there, habitually and

constantly violate article 3804 of the Revised Civil Statutes of the State of Texas, governing the examination of papers, records and files of the General Land Office.

Art. 18. That W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, being then and there charged by law with the custody and safe keeping of the General Land Office and of the papers, records, files and other archives thereof, unmindful of the high duties of his office and in violation of his oath of office, and of the laws of the State and the rules and regulations of the General Land Office, did then and there, on the 1st day of January, A. D. 1892, and continuously up to and including the 1st day of March, A. D. 1893, in the county of Travis, State of Texas, knowingly, wilfully, negligently permit persons not employes of said office to-wit: H. S. Schmidt; Williams and Warren, whose Christian names are to the House of Representatives unknown, and many other persons whose names are to the House of Representatives unknown, to remain in said office and to examine the papers and archives after office hours and after the General Land Office had been closed for the day, and without having first obtained the written consent of himself and of the chief clerk of said office so to do, and without first having obtained an order for the detail of a clerk to be present and superintend the examination, and without having any clerk in said office present to superintend such examination, and did then and there as aforesaid permit such persons as aforesaid to have full and unrestricted access to the papers, files and other archives of said office, all of which was contrary to the laws of the State, and in gross violation of the duties of his office.

Art. 19. That said W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, unmindful of his duties as such Commissioner, did, on or about the 10th day of October, 1891, in the county of Travis in the State of Texas, violate the laws of the State of Texas, and his oath of office in this: That on or about the 25th day of August, 1888, one Joseph Funk applied to the Commissioner of the General Land Office for the lease of certain public free school lands situated in the counties as now constituted of Tom Green and Irion, as follows:

In the county of Tom Green sections Nos. 74, 90 and 108, certificate

Nos. 41-4158, 41-5096 and 41-5105, respectively original grantee Houston and Texas Central Railroad Company.

In the county of Irion sections Nos. 58 and 70, certificates Nos. 41-5080 and 41-5086, respectively original grantee Houston and Texas Central Railroad Company.

That on or about the 4th day of September, 1888, the said lands were duly and legally awarded to him for a period of three years; that said Joseph Funk complied with all the requirements of the law, and said lease remained in full force and effect until, to-wit: the 4th day of September, A.D. 1891, and that at the termination of said lease the said lands as herein described were then and there subject to further lease, and the said Joseph Funk, prior to the termination of said lease, to-wit: on the 24th day of July, 1891, made out in due and legal form an application to lease for himself for another term the lands hereinbefore described, and the said application was duly received and filed in said Land Office on, to-wit: the 27th day of July, 1891, and the said W. L. McGaughey, in disregard of the rights of said Joseph Funk under the law to have the refusal of the lease of said lands herein described, which he, the said Joseph Funk had theretofore been leasing, and with full knowledge of all the facts as herein charged, did willfully and unlawfully fail and refuse to execute to the said Joseph Funk a lease of the said lands herein described, whereby the said W. L. McGaughey was then and there guilty of gross misconduct in office and of a willful and palpable violation of the laws of the State of Texas.

Art. 20. That said W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, unmindful of the duties of his office, and of his oath of office, did, on or about the 10th day of October, 1891, in the county of Travis and State of Texas, as Commissioner of the General Land Office, wilfully and in violation of the laws of the State of Texas relating to the sale and lease of the public free school lands, make and execute to one Chas. Schauer, a lease to certain public free school lands situated in the counties of Tom Green and Irion as follows:

In the county of Tom Green: Section Nos. 74, 90 and 108, certificate, Nos. 41-4158, 41-5096 and 41-5105 respectively, original grantee Houston and Texas Central Railroad company.

In the county of Irion: Sections

Nos. 58 and 70, certificate Nos. 41-5080 and 41-5086 respectively, original grantee Houston and Texas Central Railroad company.

When said lands as above described at the time the application of the said Chas. Schauer for the lease thereof was made, were held by one Joseph Funk, under lease No. 1170, said lease beginning on or about the 4th day of September, 1888, and continuing in full force and effect until about the 4th day of September, 1891, and when in fact the said Joseph Funk, the said lands as herein described being subject to further lease, before the expiration of his former lease as above referred to, and before the application of the said Chas. Schauer was made for the lease thereof, had filed with the said W. L. McGaughey an application to again lease said lands, and when under the law, the said Joseph Funk was then and there entitled to have said lease contract for said lands awarded to him, and when under the law the said Chas. Schauer was not then and there entitled to have said contract awarded to him, the said Chas. Schauer, and the said W. L. McGaughey then and there had full knowledge of all the facts as herein charged, and the said W. L. McGaughey was then and there guilty of gross misconduct in office, and of a willful and palpable violation of the laws of the State of Texas.

Art. 21. That said W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, unmindful of the duties of the office and of his oath of office, and in gross violation of the regulations of the said Land Office, and of the laws of the State of Texas relating to the lease and sale of the public free school lands, did, in the county of Travis and State of Texas, on, to-wit: the 1st day of November, A. D. 1892, and on divers days thereafter, up to and including the 10th day of January, 1893, unlawfully and improperly cancel the valuation theretofore lawfully placed upon the timber upon certain public free school lands, to-wit: The timber upon

Section No.	Certificate No.	Original Grantee.
10	905	H. & T. C. Ry. Co.
12	911	H. & T. C. Ry. Co.
36	25-1203	H. & T. C. Ry. Co.

all of said lands being situated in Newton county Texas, and did then and there improperly, and in violation of the laws of the State, reprice and revalue the timber growing upon

said lands upon the statement and representation, and at the instance and request of one E. I. Kellie, who was not then and there an agent of the State of Texas, but he, the said E. I. Kellie, was then and there in the service and employ of parties other than the State of Texas, all of which the said W. L. McGaughey then and there well knew, whereby the said W. L. McGaughey was then and there guilty of gross misconduct in office, and of a willful and palpable violation of the laws of the State of Texas.

Art. 22. That said W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, unmindful of the duties of his office and of his oath of office, and in gross violation of the regulation of the said Land Office and of the laws of the State of Texas, relating to the sale and lease of the public free school lands, did, in the county of Travis and State of Texas, on to-wit, the 20th day of January, 1893, and on divers days thereafter, up to and including the 20th day of March, 1893, unlawfully and improperly cancel the valuation theretofore lawfully placed upon the timber upon certain public free school lands, to-wit: The timber upon

Certificate

Section	No.	Original Grantee.
50	545	H. & T. C. Ry. Co.
52	546	H. & T. C. Ry. Co.
66	829	H. & T. C. Ry. Co.
68	830	H. & T. C. Ry. Co.
118	25-1220	H. & T. C. Ry. Co.

All of said lands being situated in Jasper county, Texas, and did then and there improperly and in violation of the laws of the State, reprice and revalue the timber growing upon said lands, upon the statement and representation and at the instance and request of one E. I. Kellie, who was not then and there an agent of the State of Texas, but he, the said E. I. Kellie, was then and there acting in the service and employ of persons other than the State of Texas, all of which the said W. L. McGaughey then and there well knew, whereby the said W. L. McGaughey was then and there guilty of gross misconduct in office, and of a willful and palpable violation of the laws of the State of Texas.

Art. 23. That the said W. L. McGaughey, Commissioner of the General Land Office did, in Travis county, Texas, on or about the 1st day of July, 1891, make a false memorandum and instrument in writing, and file the same in the General Land Office of the State of Texas on or about said

last date, said memorandum and instrument in words and figures substantially as follows, to-wit: "Paid till October 15, 1891." That said writing purported to be a memorandum reciting the purported fact that in the matter of certain public lands of the State of Texas that had been leased to B. H. & J. W. Snyder; that the lease price due the State of Texas had been paid till October 15, 1891, when in truth and in fact the lease price had not been paid till October 15, 1891, but only to about the date of July 16, 1890, and the said W. L. McGaughey knew that said lease price had not been paid on said land till October 15, 1891, but disregarding the duties of his office, and in violation of the laws of the State of Texas with intent to defraud the State of Texas out of money due for the lease of said land, he did, as aforesaid, make said false memorandum and instrument in writing and file the same in the General Land Office of the State of Texas, and permit the same to remain on file in the General Land Office.

Whereby, in view of the premises, the House of Representatives of the State of Texas do say and charge that the said W. L. McGaughey, Commissioner of the General Land Office, in the manner and by the means aforesaid, and at the time aforesaid did commit, and was guilty of the high crime and misdemeanor and malfeasance in office, and did thereby render himself unworthy and no longer fit to exercise the duties incumbent upon the Commissioner of the General Land Office of the State of Texas

Art. 24. That the said W. L. McGaughey, Commissioner of the General Land Office of the State of Texas, unmindful of his oath of office, and in violation thereof of the laws of the State of Texas, did permit D. H. and J. W. Snyder to retain possession of certain public free school lands after their lease on said lands had expired, and without authority of law extended the time in which the said D. H. and J. W. Snyder might pay such rental from July 16, 1890, till October 15, 1891, and permitted said D. H. and J. W. Snyder to retain possession of said lands without paying said rental, thereby defrauding the State of Texas out of said rental; whereby, in view of the premises, the House of Representatives of the State of Texas do say and charge that the said W. L. McGaughey, Commissioner of the General Land Office, in the manner and by the means aforesaid, and at the time aforesaid did commit, and was

guilty of a high crime and misdemeanor and malfeasance in office, and did thereby render himself unworthy and no longer fit to exercise the duties incumbent upon the Commissioner of the General Land Office of the State of Texas.

Art. 25. That the said W. L. McGaughey, Commissioner of the General Land Office, did, in Travis county, Texas, on or about the 24th day of March, 1893, fraudulently attempt to procure from William Bramlette, chief clerk of the General Land Office, a false certificate in writing to a certain map of Liberty county, Texas, said certificate in words and figures substantially to-wit:

I, William Bramlette, chief clerk of the General Land Office, hereby certify that the sections marked "blue" on this map were when sold, detached and isolated from other unappropriated public lands.

Given under my hand and seal of the General Land Office of the State of Texas, March 24, 1893.

That said map referred to in said certificate was a map of Liberty county, Texas, and the sections referred to in said certificate as marked "blue" were not detached and isolated from other unappropriated public lands, and the said W. L. McGaughey well knew that said sections were not detached and isolated, as stated in said certificate as shown on said map, but the said W. L. McGaughey did then and there as aforesaid falsely pretend to and attempt to fraudulently induce the said William Bramlette to sign said certificate, and the said W. L. McGaughey did then and there know that said certificate was a false certificate at the time and in the manner aforesaid.

Whereby, in view of the premises, the House of Representatives of the State of Texas, do say and charge the said W. L. McGaughey, Commissioner of the General Land Office, in the manner and by the means aforesaid, and at the time aforesaid, did commit and was guilty of the high crime and misdemeanor and malfeasance in office, and did hereby render himself unworthy and no longer fit to exercise the duties incumbent upon the Commissioner of the General Land Office of the State of Texas.

And the House of Representative, by protestation, saving to themselves the liberty of exhibiting at any time hereafter any future articles or other accusations or impeachments against the said W. L. McGaughey, and also

of replying to his answer which he shall make under the said articles or any of them, and of offering proof to all and every one of the aforesaid articles, and to all and every other article, impeachment or accusation which shall be exhibited by them or the case shall require, to demand that the said W. L. McGaughey may be put to answer said crimes and misdemeanors and that such proceedings, examination, trials and judgement thereupon had and given as are agreeable to law and justice.

The President stated that the articles would be properly filed and proper action taken thereon.

Senator Cranford moved that the reading of the articles of impeachment be dispensed with and that the court of impeachment adjourn subject to the call of the Senate.

Carried and the court adjourned accordingly.

IN SENATE.

The Senate resuming consideration of House bill No. 351 (local road bill.)

On motion of Senator Yoakum, the constitutional rule requiring bills to be read on three several days was suspended and the bill upon its third reading and final passage by the following vote:

YEAS—25.

Agnew,	Jester,
Atlee,	Lawhon,
Baldwin,	Lewis,
Boren,	McKinney,
Bowser,	Presler,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Smith,
Dickson,	Steele,
Goss,	Swayne,
Greer,	Tips,
Hutchison,	Yoakum.
Imboden,	

NAYS—1.

McComb.

ABSENT—1.

Douglass.

EXCUSED—4.

Browning,	Whitaker.
Kearby,	Woods.

Bill read third time and passed by the following vote:

YEAS—16.

Agnew,	Greer,
Atlee,	Imboden,
Boren,	Jester,
Bowser,	McKinney,
Cranford,	Presler,
Crowley,	Smith,

Dickson, Swayne,
Goss, Yoakum.

NAYS—10.

Baldwin, McComb,
Dean, Shelburne,
Hutchison, Simpson,
Lawhon, Steele,
Lewis, Tips.

ABSENT—1.

Douglass.

EXCUSED—4.

Browning, Whitaker,
Kearby, Woods.

By consent Senator Lewis offered the following:

Be it resolved, That R. W. Holbrook, clerk to Judiciary Committee No. 1, be also assigned as clerk to the special committee on impeachment arrangements and procedure, and also to assist the Secretary of the Senate in his duties as clerk of said court of impeachment.

Adopted.

By Senator Cranford:

Resolved, That the Sergeant-at-Arms have printed for the use of the Senate 300 copies of the articles of impeachment preferred against W. L. McGaughey to be paid for out of the contingent expenses.

Adopted.

By Senator Dean:

Concurrent resolution authorizing the State financial agent to take charge of the State books, furniture, etc., at Tyler, Texas, etc.

By Senator Tips:

Amend by striking out "State financial agent" and insert in lieu thereof "Secretary of State."

The resolution and amendment were read and referred to Committee on State Affairs.

Senator Baldwin entered a motion that the Senate recall

House bill No. 1, entitled "An act to repeal chapter 100 of the General Laws of Texas, passed by the Twenty-second Legislature April 11, 1891, entitled an act to protect stockraisers, farmers and horticulturists, providing for the destruction of wolves and other wild animals, to make an appropriation therefor, and to repeal chapter 119, relating to the same subject, approved April 2, 1887, and to provide for a reward for scalps, when ordered by the commissioners court of any county," for the reason that a motion to reconsider is pending in the Senate.

On motion of Senator Smith, Senator Imboden was added to the Committee on Education.

On motion of Senator McComb Senate adjourned to 3 p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—26.

Agnew,	Imboden,
Atlee,	Jester,
Baldwin,	Lawhon,
Boren,	Lewis,
Bowser,	McComb,
Cranford,	McKinney,
Crowley,	Presler,
Dean,	Simpson,
Dickson,	Smith,
Douglass,	Steele,
Goss,	Swayne,
Greer,	Tips,
Hutchison,	Yoakum.

EXCUSED—5.

Browning,	Whitaker,
Kearby,	Woods.
Shelburne,	

Senator Jester called up the appropriation bill, substitute Senate bill No. 76.

By Senator Simpson:

Amend by inserting in page 34 after "miscellaneous" the following words: "That the fees of the Secretary of State to the amount of \$65,000, together with the rentals from the temporary capital building, and from all vacant lots, or parts of lots or blocks in the city of Austin belonging to the State, not now occupied by the State and used by it, or occupied by church edifices, be, and the same is hereby appropriated to the support and maintenance of the Confederate home for the two years ending March 1, 1895."

Adopted.

By Senator Jester:

Amend page 2, Executive Office, after line 21, by inserting the following: "Payment of balance of fee of special counsel in the Greer county case in the supreme court of the United States and for collecting testimony for the State therein, including the services of a Spanish expert, and for the traveling expenses of the Attorney General while actually engaged in collecting such testimony and attending the supreme court at Washington in said case, to be paid out and expended under the direction of the Governor, 1894, \$7,500."

Adopted.

By Senator Goss:

Amend on page 35, after line 33, by adding the following: "For D. P. Gib-

son, sheriff of Hardeman county, for expenses in conveying James T. Morris to Graham, Texas, in the habeas corpus trial of James T. Morris in the district court of the United States for the Northern district of Texas, at Graham, October 16, 1891, \$137.80.

By Senator Lawhon:

Amend the amendment by adding: "And to pay M. J. Xemines, shersff of Wilson county, Texas, \$79.85, for conveying Mack Knowles from Midland county to Wilson county, Texas."

Adopted.

Pending action, the Chair announced the following conference committee on House bill No. 405. "An act to amend articles 4742, 4743, 4743a and 4744 of the Revised Civil Statutes of the State of Texas, and to repeal articles 4761, 4762, 4763, 4764, 4765 and 4766 of the Revised Civil Statutes of the State of Texas, and to repeal all laws in conflict herewith, and to provide penalties for violations of this act," to-wit: Senators McKinney, Simpson, Presler, Boren and Jester.

HOUSE MESSAGE.

HOUSE OF REPRESENTATIVES.

AUSTIN, TEXAS, April 17, 1893.

Hon. M. M. Crane, President of the Senate:

SIR: I am directed by the House to inform the Senate of the passage by the House of the following bills, to-wit:

House bill No. 681, "An act to restore to and confer upon the county court of San Patricio county the civil and criminal jurisdiction formerly belonging to said county under the Constitution and general statute of the State, and to conform the jurisdiction of the district court of said county to said change."

Passed by two-third vote; yeas 86, nays none.

Senate bill No. 292, "An act to amend article 566, chapter 2, title 20 of the Revised Civil Statutes of the State of Texas, as amended by the Twenty-second Legislature, chapter 101, page 161.

And that the House concurs in Senate amendments to House bill No. 112, known as the live stock sanitary commission bill.

And that the House grants the request of the Senate and returns House bill No. 1, known as the scalp law.

Respectfully,

GEO. W. FINGER,
Chief Clerk House of Representatives.

(Senator Presler in the chair.)

Senator Goss amendment as amended (general appropriation bill), was then lost by the following vote:

YEAS—8.

Agnew,

Lawhon,

Baldwin,
Cranford,
Goss,

Lewis,
Presler,
Yoakum.

NAYS—18.

Atlee,
Boren,
Bowser,
Crowley,
Dickson,
Douglass,
Greer,
Imboden,
Hutchison,

Jester,
McComb,
McKinney,
Shelburne,
Simpson,
Smith,
Steele,
Swayne,
Tips.

ABSENT—1.

Dean.

EXCUSED—4.

Browning,
Kearby,

Whitaker,
Woods.

By Senator Jester:

Amend page 11, supreme court, insert between lines 1 and 2, "salary of reporter for reporting the supreme court and court of civil appeals, Austin, Texas, \$3000.

Adopted.

By Senator Jester:

Amend page 13, civil court of appeals, Fort Worth, line 5: Strike out "salary of assistant reporters, \$3000," and insert "salary of assistant reporter, \$1500."

Adopted.

By Senator Tips:

Amend page 32 (under head of penitentiaries) by striking out lines 1 to 9 inclusive, and insert in lieu thereof the following: "The proceeds of all convict labor; and in addition thereto, for making up deficiencies in monthly expenses and to purchase material to carry on prison industries, which shall be paid out by the Treasurer on the warrant of the Comptroller whenever demanded by the financial agent, and upon order of the penitentiary board, approved by the Governor, for two years, \$100,000."

Adopted.

(Lieutenant Governor Crane in the chair.)

By Senator Jester:

Amend page 12, court of civil appeals, Galveston, in line 3: Strike out "salary of assistant reporters, \$3,000," and insert "salary of assistant reporter, \$1500."

Adopted.

Senator Lewis submitted the following privileged committee report:

RULES OF THE SENATE SITTING AS A HIGH COURT OF IMPEACHMENT.

The committee appointed by the president of the Senate, sitting as a court of impeachment, to prepare and submit rules for the government of the High

Court of Impeachment, do most respectfully submit the following:

A writ of summons shall be issued to the accused, reciting the articles of impeachment, and notifying him to appear before the Senate at a day and place to be fixed by the Senate, which writ shall be substantially in the following form:

The State of Texas to W. L. McGaughey, Greeting:

Whereas, The House of Representatives of the State of Texas did on the 17th day of April, A. D. 1893, exhibit to the Senate articles of impeachment against you, the said W. L. McGaughey, in words following (here insert the articles), and did demand that you, the said W. L. McGaughey, should be put to answer the accusations as set forth in said articles, and that such proceedings, examinations, trials and judgments might be thereupon had as are agreeable to law and justice, you, the said W. L. McGaughey, are therefore hereby summoned to be and appear before the Senate of the State of Texas, sitting as a court of impeachment, at their chamber in Austin, on the — day of —, 1893, then and there to answer to the said articles of impeachment, and then and there to abide by, obey and perform such orders and judgments as the Senate of the State of Texas, sitting as aforesaid, shall make in the premises, according to the Constitution and laws of the State of Texas. Herein fail not.

Witness, _____
Lieutenant Governor of the State of Texas, and President of the Senate thereof, and of the court of impeachment, at Austin, this — day —, 1893.

Attest: _____,
Secretary.

Which summons shall be signed by the presiding officer and attested by the secretary of said court, and shall be served by the sergeant-at-arms of the court of impeachment, or by such other person as the said court may specially appoint for that purpose, who shall serve the same pursuant to the directions given in the form next following:

2. A precept shall be endorsed on said writ of summons substantially in the following form:

The State of Texas:

The State of Texas to C. H. Allen, greeting:

You are hereby commanded to deliver and have with W. L. McGaughey, if to be found, a true and attested copy of the within writ of summons, together with a copy of this precept, showing him both, or in case he cannot with

convenience be found, you are to leave true and attested copies of said summons and precept at his usual place of residence, and whichever way you perform the service, let it be done at least — days before the appearance day mentioned in said writ or summons. Herein fail not and make return of this writ of summons and precept, with your proceedings thereon endorsed, on or before the appearance day mentioned in said writ or summons. Witness—Lieutenant-Governor of the State of Texas, and President of the Senate thereof and of said court of impeachment.

ATTEST.

_____, Secretary.

Which precept shall be signed by the presiding officer and attested by the secretary of said court.

Subpoenas shall be issued by the secretary of said court upon the application of the managers of the impeachment or of the party impeached, or of his counsel, returnable at such time as may be fixed in said subpoena. Such subpoena shall be substantially in the following form:

The State of Texas.

The State of Texas to —
Greeting: You and each of you, are hereby commanded to appear before the Senate of the State of Texas, sitting as a court of impeachment, on — day of —, 1893, at the Senate chamber in the city of Austin, then and there to testify your knowledge in the cause which is before the court, in which the House of Representatives have impeached W. L. McGaughey. Herein fail not.

Witness—Lieutenant Governor of the State of Texas and President of the Senate thereof and of the court of impeachment at the city of Austin, this — day of — A. D., 1893.

Attest:

_____, Secretary.

The form of direction for the service of the subpoenas shall be as follows:

To the Sergeant-at-Arms of the court of impeachment or any of his assistants.

You are hereby commanded to serve and return the within subpoena according to law. Dated at the city of Austin this — day of — A. D. 1893.

Secretary of said court.

Your committee further recommend that Thursday, April 20, at 10 o'clock a. m. be fixed as the date for the respondent to make answer to the charges of impeachment. Your committee further recommend that the Secretary of the Senate be instructed

to inform the Governor of Texas that the House of Representatives through its managers, on April 17, 1893, has filed with the Senate articles of impeachment in the name of the State of Texas, against W. L. McGaughey. We further recommend that the Sergeant-at-Arms and Assistant Sergeant-at-Arms of the Senate be sworn in as the Sergeant-at-Arms and Assistant Sergeant-at-Arms of the said court, and that the Secretary and Assistant Secretary of the Senate, and R. W. Holbrook be sworn in as clerks and assistant of the said court of impeachment. Your committee will make further report from time to time.

LEWIS,
CRANFORD,
McCOMB.

On motion of Senator Atlee the report was adopted.

By consent the following bill was introduced by Senator McComb:

A bill to be entitled "An act to provide for the custody and disposition of books and furniture heretofore in use by the commissioners of appeals and judges of the supreme court at Tyler and Galveston."

Read first time and referred to Committee on State Affairs.

By Senator Imboden:

Substitute for the apportionment for the General Land Office:

	1893.	1894.
Commissioner	\$ 2,500	\$ 2,500
Chief clerk	1,800	1,800
Spanish translator.....	1,600	1,600
Receiving clerk.....	1,800	1,800
First assistant clerk....	1,500	1,500
Examining clerk.....	1,500	1,500
Corresponding clerk....	1,200	1,200
Corresponding clerk....	1,200	1,200
Corresponding clerk....	1,200	1,200
Chief patent clerk.....	1,350	1,350
Assistant patent clerk..	1,200	1,200
Assistant patent clerk..	1,200	1,200
Abstract clerk	1,200	1,200
Abstract clerk	1,200	1,200
File room clerk.....	1,200	1,200
Filing clerk.....	1,300	1,300
Filing clerk.....	1,300	1,300
General clerk.....	1,080	1,080
General clerk.....	1,080	1,080
General clerk.....	1,080	1,080
Transcript clerk.....	1,200	1,200
Transcript clerk.....	1,200	1,200
Chief draftsman.....	1,800	1,800
Compiling draftsman...	1,500	1,500
Compiling draftsman...	1,500	1,500
Compiling draftsman...	1,500	1,500
Compiling draftsman...	1,500	1,500
Compiling draftsman...	1,500	1,500
Assistant draftsman....	1,200	1,200

Assistant draftsman....	1,200	1,200
Assistant draftsman....	1,200	1,200
Assistant draftsman....	1,200	1,200
Assistant draftsman....	1,200	1,200
Assistant draftsman....	1,200	1,200
Assistant draftsman....	1,200	1,200
Examining draftsman..	1,500	1,500
Letter register.....	1,200	1,200
Letter register.....	1,200	1,200
Index clerk.....	1,200	1,200

One additional transcript clerk (to be used when needed), for nine months..... 900 900

Night watchman..... 600 600

Porter..... 480 480

Stationery, books and furniture..... 2,000 2,000

Postage, telegraphing and contingent..... 1,500 1,500

Wood..... 250 250

Lithographic maps.... 1 000 1,000

Water and repairs to fixtures..... 500 500

Repairs on building... 500 500

FOR THE SCHOOL LAND DEPARTMENT:

Chief clerk..... 1,500 1,500

Bookkeeper..... 1,400 1,400

Assistant bookkeeper.. 1,200 1,200

Corresponding clerk... 1,400 1,400

Assistant corresponding clerk..... 1,200 1,200

Sales clerk..... 1,200 1,200

Assistant sales clerk... 1,200 1,200

Chief lease clerk..... 1,200 1,200

Assistant lease clerk... 1,200 1,200

Assistant lease clerk... 1,200 1,200

Filing clerk..... 1,200 1,200

Filing clerk..... 1,200 1,200

Transcript clerk..... 1,200 1,200

Classifier..... 1,200 1,200

General clerk..... 1,200 1,200

Draftsman..... 1,200 1,200

By Senator Yoakum:

Amend (Imboden's substitute) by striking out "\$1200" for first filing clerk, and insert "\$1400."

Adopted.

By Senator Goss:

Amend the substitute (Imboden's) by adding the following:

"To defray the expenses of locating block lines and settling conflicts in surveys, to be expended under the direction of the Commissioner, \$5000."

Adopted.

By Senator Hutchison:

Amend the substitute (Imboden's) by striking out "assistant transcript clerk at a salary of \$900, to be employed nine months when necessary."

Lost.

Senator Imboden's substitute for the appropriation for the General Land Office, as amended, was adopted.

Senator Yoakum called up his motion to reconsider the vote by which the

amendment offered by Senator Steele, to-wit: Amend Department of Agriculture in line 2, by striking out "\$1800" and insert "\$1200." Also strike out "\$1500" where it occurs in line 4, and insert "\$1200." was adopted.

Reconsidered.

The amendment (Steele's) was then lost.

By Senator Jester:

(Court of criminal appeals.) Line 17, insert "for assistant reporter, \$1500."

Adopted.

On motion of Senator Hutchison, Senator Swayne was excused from attendance on the afternoon session on account of important business.

By Senator Jester:

Amend page 12:

Insert after line 17, the following: "Fees in felony cases for clerks of the court of criminal appeals, \$4000, or so much thereof as may be necessary."

Adopted.

By Senator Jester:

Amend page 24, after line 33 add: "Provided, that the interest on all securities held by the Blind Asylum Fund is hereby appropriated in part payment of the above appropriation the remainder of the appropriation to be paid out of the general revenue."

Adopted.

By Senator Jester:

Amend page 26, add after line 43: "Provided, that the interest on all securities held by the Deaf and Dumb Asylum Fund is hereby appropriated in part payment of the above appropriation, the remainder of the appropriation to be paid out of the general revenue."

Adopted.

By Senator Tips:

Amend page 27, line 5, under head of Deaf and Dumb and Blind Asylum for Colored Youths, at Austin, by striking out "\$300 per year" and insert "\$600 for each year."

Adopted by the following vote:

YEAS—23.

Agnew,	Hutchison,
Atlee,	Imboden,
Baldwin,	Jester,
Boren,	Lawhon,
Bowser,	Lewis,
Cranford,	McKinney,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Steele,
Douglass,	Tips,
Goss,	Yoakum,
Greer,	

NAYS—1.

Smith.

ABSENT—2.

McComb,

Presler.

EXCUSED—5.

Browning,
Kearby,
Swayne,

Whitaker,
Woods.

By Senator Jester:

Amend by adding after line 33, page 35 of the printed bill the following:

"For the pay of Charles S. Morse for work done and money paid for assistance, etc., in arranging, classifying and transferring the records, transcripts, etc., of the Tyler and Galveston branches of the supreme court to Austin, \$566.66 $\frac{2}{3}$."

Adopted.

By Senator Imboden:

Amend appropriation for General Land Office by making salary of porter \$540 for each year in lieu of \$480.

Lost.

Senator Jester moved to reconsider the vote by which the amendment was lost.

Reconsidered, and the amendment adopted.

By Senator Yoakum:

Amend by striking out "\$300" wherever it occurs in line 6, page 27, and insert "\$480."

Adopted.

By Senator Goss:

Amend miscellaneous department, line 5, page 34, by inserting after the word "Adjournment" the words "of the regular session."

Adopted.

By Senator Jester:

Amend by adding after line 33, page 35 of the printed bill the following: "For the pay of B. H. Shipp, for services as bailiff in attending the court of civil appeals at Fort Worth, Texas, for five months prior to March 1, 1893, \$125."

Adopted.

By Senator Jester:

Amend by adding after line 33, page 35 of the printed bill the following: "For the pay of Henry Terrell, porter of the court of civil appeals at Fort Worth, Texas, for five months prior to March 1, 1893."

Adopted.

By Senator Yoakum:

Amend by adding line 34 to page 35, the following proviso:

34 provided that all appropriations herein for groceries and provisions are not intended for the use of the families of the superintendents of the several institutions.

Lost.

By Senator Jester:

Amend by adding after line 33, page 35, of the printed bill, the following:

For the pay of Thompson Bros. for

supplies furnished the court of criminal appeals at Dallas, \$521.27.

Adopted.

By Senator Jester:

Amend by adding after line 33, page 35, of the printed bill, the following:

For the pay of Charles S. Morse for work done and money paid for assistance, etc., in arranging, classifying and transferring the records, transcripts, etc., of the Tyler and Galveston branches of the supreme court to Austin.

Adopted.

Senator Imboden moved that the Senate accept the invitation by the ladies of San Antonio to attend the "Battle of Flowers" on San Jacinto day.

Accepted.

The Chair announced the following invitation:

HOUSTON, April 16, 1893.

Hon. M. M. Crane, President of the Senate:

The Daughters of the Republic of Texas cordially extend an invitation to the Honorable Senate of the Twenty-third Legislature of the State of Texas to attend the reunion of Texas Veterans, United Confederate Veterans and Daughters of the Republic of Texas, to be held at Houston April 21.

MRS. ANSON JONES, President.

MRS. E. H. VASMER, Secretary.

On motion of Senator Steele, the above invitation was also accepted.

Pending further action the President administered the following oath to C. H. Allen, Sergeant-at-Arms, and V. F. Pace, Assistant Sergeant-at-Arms, to-wit: Do you solemnly swear that you will faithfully perform all the duties of sergeant-at-arms of the court of impeachment formed to try the proceedings pending against W. L. McGaughey, Land Commissioner, so help you God.

Also, Secretary A. M. Kennedy and Second Assistant Secretary R. W. Holbrook took the following oath: Do you solemnly swear that you will faithfully perform all the duties of secretary of the court of impeachment formed to try the proceedings pending against W. L. McGaughey, Land Commissioner, so help you God.

Senator Yoakum moved to adjourn to 10 a. m. to-morrow.

Senator Steele moved to adjourn to 9:30 a. m. to-morrow.

Senator Imboden moved that the Senate adjourn to 8 p. m. to-day.

The vote occurring on the longest time first, the Senate refused to adjourn to 10 a. m. to-morrow by the following vote:

YEAS—12.

Atlee,

Lawhon,

Cranford,
Crowley,
Dean,
Greer,
Hutchison,

Lewis,
McComb,
Shelburne,
Simpson,
Yoakum.

NAYS—12.

Agnew,
Baldwin,
Boren,
Bowser,
Dickson,
Douglass

Goss,
Imboden,
Jester,
Smith,
Steele,
Tips.

ABSENT—2.

McKinney,

Presler.

EXCUSED—5.

Browning,
Kearby,
Swayne,

Whitaker,
Woods.

The motion to adjourn to 9:30 a. m. to-morrow was lost by the following vote:

YEAS—6.

Boren,
Cranford,
Hutchison,

Jester,
Steele,
Yoakum.

NAYS—18.

Agnew,
Atlee,
Baldwin,
Bowser,
Crowley,
Dean,
Dickson,
Douglass,
Goss,

Greer,
Imboden,
Lawhon,
Lewis,
McComb,
Shelburne,
Simpson,
Smith,
Tips.

ABSENT—2.

McKinney,

Presler.

EXCUSED—5.

Browning,
Kearby,
Swayne,

Whitaker,
Woods.

Senator Dean then moved to adjourn to 10:10 a. m. to-morrow.

Lost.

Senator Imboden withdrew his motion to adjourn to 8 p. m. to-day, and Senator Baldwin renewed same.

Lost by the following vote:

YEAS—9.

Agnew,
Baldwin,
Bowser,
Douglass,
Imboden,

Jester,
Smith,
Steele,
Yoakum.

NAYS—15.

Atlee,
Boren,
Cranford,
Crowley,
Dean,
Dickson,
Goss,
Greer,

Hutchison,
Lawhon,
Lewis,
McComb,
Shelburne,
Simpson,
Tips.

ABSENT—2.
McKinney, Presler.
EXCUSED—5.
Browning, Whitaker,
Kearby, Wood.
Swayne,

On motion of Senator Baldwin. Senator McComb was excused till next Thursday on important business.

By Senator Imboden:

Amend the General Land Office appropriation by striking out "\$5000" and inserting "\$500" after the words "direction of the commissioner."

Pending action on motion of Senator Crowley the senate adjourned to 10 a. m. to-morrow.

EIGHTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, April 18, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—26.

Agnew,	Imboden,
Atlee,	Jester,
Baldwin,	Lawhon,
Boren,	Lewis,
Bowser,	McKinney,
Cranford,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Smith,
Douglass,	Steele,
Goss,	Swayne,
Greer,	Tips,
Hutchison,	Yoakum.

EXCUSED—5.

Browning,	Whitaker,
Kearby,	Woods.
McComb,	

Prayer by the chaplain, Dr. Briggs, as follows:

Our Father! Supply to us, we pray Thee, from Thy unsearchable riches all things needful for the new day. Vouchsafe to the mind the power to set all things in the clear light of reason. Clothe the lips with true, clear and convincing speech. Inspire the will with a courage equal to every duty, and fill the heart with a tenderness that shall temper justice with mercy. Help us as men, as lawmakers and as judges, to do unto others in all things as we would have others do unto us. Grant to us these things, not because we ask for them,

but on account of Thy great mercy and unfailing compassion. And to Thy great name be all praise and honor. Amen.

The Chair stated that the journal of yesterday was so voluminous that the printer had not yet delivered it, and a motion to dispense with reading it would be in order.

Senator Lawhon moved to dispense with the reading of the journal of yesterday.

Carried.

BILLS AND RESOLUTIONS.

By Senator Simpson:

A bill to be entitled an act to repeal articles 4249 and 4250 of the Revised Civil Statutes of Texas, relating to railroads.

Read first time and referred to Judiciary Committee No. 1.

Call concluded.

Senator Imboden entered a motion to reconsider the vote by which

House bill No. 577, a bill to be entitled "An act to prevent the catching or taking of fish, except with the ordinary hook, line and pole, or trot line, and to prevent the use of traps, nets, seines, chinaberries, indiaberries or other poisonous substances, or dynamite, giant powder, nitro-glycerine or other explosive compounds in any waters in the county of Cherokee, State of Texas, for the purpose of catching or taking of fish therefrom," was passed, and same was spread on the journal.

Senator Imboden then moved that the House be requested to return said bill to the Senate for the reason that a motion to reconsider was pending.

Carried.

On motion of Senator McKinney, Calendar Clerk Childress was excused to-day on account of sickness.

HOUSE MESSAGES.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, April 18, 1893.

Hon. M. M. Crane, President of the Senate:

Sir: I am directed by the House to inform the Senate of the passage by the House of the following bill, to-wit:

Substitute Senate bill No. 66, "An act to amend sections 1 and 2 of an act entitled an act to prevent fishing and hunting on the enclosed lands of another, approved March 31, 1885," with Senate amendments.

Respectfully,

GEO. W. FINGER,
Chief Clerk House of Representatives.

The Chair laid before the Senate, House bill No. 295, entitled "An act to fix the rate of taxation on insurance